

Message Text

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C O N F I D E N T I A L STATE 036251

FOLLOWING REPEAT USUN NEW YORK 0459 SENT ACTION SECSTATE
INFO BONN, DAR ES SALAAM, GABORONE, LAGOS, LONDON, LUSAKA,
MAPUTO, OTTAWA, PRETORIA, CAPE TOWN 09 FEB 78

QUOTE C O N F I D E N T I A L USUN NEW YORK 0459

CAPE TOWN FOR EMBASSY

E.O. 11652: GDS

TAGS: PDEV, SF, WA

SUBJ: NAMIBIA: CONTACT GROUP DISCUSSION WITH SOUTH AFRICA

1. SUMMARY: NEW YORK CONTACT GROUP MET WITH SOUTH
AFRICAN DELEGATION HEADED BY BRAND FOURIE LATE MORNING
OF FEBRUARY 9 TO HEAR SOUTH AFRICAN REACTIONS TO
CONTACT GROUP SETTLEMENT PROPOSAL. MEETING WAS
DEVOTED TO PARAGRAPH BY PARAGRAPH CONSIDERATION OF ALL
DISPUTED PORTIONS OF PROPOSAL EXCEPT FOR ANNEX, WHICH
WAS OMITTED FROM CONSIDERATION ON GROUNDS THAT ANNEX
WOULD BE AFFECTED AUTOMATICALLY BY ANY CHANGES AGREED
TO IN THE MAIN BODY OF THE PROPOSAL. NO AGREEMENTS
WERE REACHED, BUT MEETING SERVED TO POINT OUT AREAS OF
SUBSTANCE AS WELL AS LESSER MATTERS ON WHICH FURTHER
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DISCUSSION WILL BE NECESSARY. THE FIVE WILL DISCUSS
THE SOUTH AFRICAN SUGGESTIONS AND MEET INFORMALLY WITH
FOURIE LATER TODAY. HIGHLIGHTS OF THE MORNING'S DIS-
CUSSIONS FOLLOW. END SUMMARY.

2. SUPERVISION AND CONTROL: FOURIE REFERRED TO PAST
EFFORTS OF THE PART OF THE SAG TO CIRCUMVENT THE PHRASE
"SUPERVISION AND CONTROL," WHILE NOTING THAT THE SAG IS
NOT OPPOSED TO WHAT IS MEANT BY THE PHRASE. FOURIE
SUGGESTED THAT THE OBJECTIONABLE PHRASE MIGHT APPRO-

PRIATELY BE REPLACED BY SOME OTHER LANGUAGE.

3. ON THIS POINT THE FIVE NOTED THAT SUPERVISION AND CONTROL IS DEFINED ELSEWHERE IN THE PAPER IN A WAY BROADLY ACCEPTABLE TO THE SAG. THE PROPOSAL REVERTS TO LANGUAGE USED IN DISCUSSION WITH THE SAG BUT THE PAPER IS DESIGNED AS A BASIS FOR A SECURITY COUNCIL RESOLUTION AND MUST USE LANGUAGE ACCEPTABLE TO THE UN MEMBERSHIP AND STEMMING FROM RESOLUTION 385. IN REPLY TO A CANADIAN SUGGESTION, FOURIE STATED THAT IT WOULD BE HELPFUL IF FIRST MENTION OF THE TERM COULD BE ACCOMPANIED BY A NOTATION THAT IT IS DEFINED ELSEWHERE IN THE PAPER.

4. EXECUTIVE CAPACITY FOR THE SPECIAL REPRESENTATIVE(SR): FOURIE COMPLAINED THAT, AT VARIOUS POINTS IN THE PAPER THERE ARE PHRASES SUCH AS "THE SR WILL TAKE STEPS TO....." OR "THE SR WILL ENSURE THAT.....", SUGGESTING A CERTAIN EXECUTIVE CAPACITY FOR THE SR WHICH THE SAG HAD NOT FORESEEN. THE SOUTH AFRICANS VIEW THE SR AS "THE EYES AND EARS" OF THE UN IN NAMIBIA WHO, IF UNSATISFIED, WILL WITHHOLD HIS STAMP OF APPROVAL FROM ACTIONS TAKEN BY THE ADMINISTRATOR GENERAL. THEY OBJECT, THOUGH, TO THE IMPLICATION THAT HE WOULD ACT IN AN EXECUTIVE CAPACITY. CONFIDENTIAL

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5. ILLEGAL OCCUPATION OF NAMIBIA: IN DESCRIBING SOUTH AFRICA'S OCCUPATION OF NAMIBIA, THE SAG FAVORS LANGUAGE SUCH AS, "THIS WORKING ARRANGEMENT SHALL IN NO WAY PREJUDICE THE POSITION OF ANY PARTY IN REGARD TO THEIR LEGAL STATUS IN NAMIBIA."

6. TERRITORY-WIDE ELECTIONS: ONCE HAVING ACCEPTED THE IDEA OF ELECTIONS FOR ALL OF NAMIBIA AS ONE POLITICAL UNIT AND ONE-MAN-ONE-VOTE, SOUTH AFRICA OBJECTS TO THE USE OF POLITICAL CONSTITUENCIES AS A MOVE BACKWARD TOWARDS TRIBALIZING THE REPRESENTATION IN THE CONSTITUENT ASSEMBLY. FOURIE SUGGESTED THAT EACH CANDIDATE SHOULD STAND FOR ELECTION ON A NATIONWIDE BASIS AS PART OF A PARTY SLATE AND IN SUPPORT OF A PARTY PLATFORM. PARTIES WOULD THEN BE REPRESENTED IN THE CONSTITUENT ASSEMBLY ON THE BASIS OF THEIR PERCENTAGE OF THE TOTAL VOTE. (COMMENT: WE SUSPECT THAT SWAPO, WITH A PROBABLE ELECTORAL PLURALITY AMONG THE OVAMBO ALONE, WOULD FAVOR THIS SUGGESTION.)

7. REPEAT OF DISCRIMINATORY LAWS: AS THE ADMINISTRATOR GENERAL HAS ALREADY REPEALED DISCRIMINATORY LAWS AND REGULATIONS, FOURIE REQUESTED THAT THE PROPOSAL TAKE NOTE OF THIS BY REFERRING TO THE REPEAL OF "SUCH DISCREMINATORY LAWS, REGULATIONS AND ADMINISTRATIVE DECISIONS AS STILL EXIST."

8. PANEL OF JURISTS: SOUTH AFRICA HAD LIKED THE IDEA OF

A PANEL OF JURISTS AS IT HAD KEPT THE SR FROM BEING BOTH JUDGE AND JURY WHILE OFFERING A MEANS OF RESOLVING DISPUTES BETWEEN THE SR AND AG. THE FIVE REPLIED THAT OTHER PARTIES HAD ARGUED THAT THE INCARCERATION OF POLITICAL PRISONERS WAS A POLITICAL ACT AND THEIR RELEASE SHOULD NOT BE MADE A LEGAL ACT BY BRINGING IT ABOUT THROUGH A PANEL OF JURISTS. IN ADDITION THERE WERE FEARS OF DRAWN OUT NEGOTIATIONS AND THE EFFECT OF THE CASTING VOTE. THE
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MATTER IS THEREFORE IN THE HANDS OF THE AG TO THE SATISFACTION OF THE SR. FOURIE EXPRESSED CONCERN THAT THE RELATIONSHIP WOULD BE MISINTERPRETED AND ASKED IF THE LANGUAGE COULD BE CLARIFIED TO STATE THAT DISPUTES WILL BE RESOLVED JOINTLY BY THE AG AND SR.

9. CEASEFIRE: FOURIE WANTED IT CLEAR THAT SOUTH AFRICAN WITHDRAWAL AND THE REST OF THE TRANSITIONAL PROCESS ALL DEPEND ON THE CESSATION OF HOSTILITIES, WHICH IS A PRE-CONDITION FOR THE REMANIDER OF THE PROCESS. THE CONTACT GROUP AGREED BUT OBTAINED FOURIE'S AGREEMENT THAT ONE OR TWO INCIDENTS WOULD NOT INVALIDATE AN OTHERWISE SUCCESSFUL CEASEFIRE.

10. SWAPO FORCES IN NAMIBIA: FOURIE ASKED WHY THE PROPOSAL REFERS TO ARRANGEMENTS FOR "SWAPO FORCES" IN NAMIBIA WHEN NONE SUCH EXIST. THE FIVE NOTED THAT THEY WERE NOT THINKING OF THE ESTABLISHMENT OF A BASE FOR SWAPO WITHIN NAMIBIA BUT SIMPLY WANT TO BE SURE THAT ANY SWAPO FORCES WHICH MAY HAVE INFILTRATED NAMIBIA, AS CLAIMED BY SWAPO, ARE COVERED BY THE PROPOSAL. IN ANY CASE THE PROPOSAL DOES NOT DIFFERENTIATE BETWEEN SWAPO FORCES INSIDE OR OUTSIDE NAMIBIA. AFTER SOME DISCUSSION, IN WHICH FOURIE MADE IT PLAIN THAT SAG WANTS NO ARMED SWAPO MEMBERS IN NAMIBIA UNDER ANY CIRCUMSTANCES, HE ACCEPTED A SUGGESTION THAT SWAPO AND OTHE FORCES BE RESTRICTED TO "DESIGNATED BASES."

11. QUESTIONS REGARDING THE NUMBER OF THE SOUTH AFRICAN FORCES TO REMAIN IN NAMIBIA DURING THE ELECTORAL PROCESS, THE NUMBER AND COMPOSITION OF THE UN FORCE IN NAMIBIA, THE FUTURE OF THE NORTHERN TIER OF SOUTH AFRICAN BASES, AND THE DISMANTLING OF THE ETHNIC AND COMMANDO FORCES
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COMMAND STRUCTURE, WERE LEFT TO THE FOREIGN MINISTERS TO RESOLVE.

12. TIMING OF SOUTH AFRICAN WITHDRAWAL: FOURIE COMPLAINED THAT THE PROPOSAL STATES THAT ALL SAG FORCES SHALL BE WITH-

DRAWN FOLLOWING CERTIFICATION OF ELECTIONS, WHILE THE SECOND NON-PAPER DELIVERED EARLIER BY THE CONTACT GROUP STATES THAT THE SAG TROOPS WOULD BE WITHDRAWN BY THE DATE OF INDEPENDENCE SUBJECT TO WHATEVER ARRANGEMENTS THE INDEPENDENT NAMIBIAN GOVERNMENT MAY WISH TO MAKE WITH SOUTH AFRICA. THE FIVE DESCRIBED THIS AS A PRESENTATIONAL PROBLEM DESIGNED TO OVERCOME ANY APPREHENSIONS ON THE PART OF ANYONE THAT THE SAG HAS NO INTENTION OF LEAVING NAMIBIA.

13. WALVIS BAY: FOURIE OBJECTED TO THE INCLUSION OF PARA 11 OF THE PROPOSAL AND ASKED THAT IT BE REMOVED OR EXPANDED TO ALLOW FOR PRESENTATION OF THE SOUTH AFRICAN POSITION ON WALVIS BAY. THE FIVE NOTED THAT THE PARA WAS INCLUDED IN AN ATTEMPT TO PREVENT THE WALVIS BAY ISSUE FROM BECOMING AN OBSTACLE TO AN AGREEMENT. THE SOUTH AFRICAN SIDE OBJECTED TO THE USE OF THE TERM "CLAIM" AND AN ATTEMPT WAS MADE TO FIND MORE ACCEPTABLE LANGUAGE SUCH AS ".....IN NO WAY PREJUDICES THE VIEWS OF ANY PARTY ON THE TERRITORIAL DELIMITATION OF NAMIBA," BUT NO AGREEMENT WAS REACHED.

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